Mr. CULLOM. The amendment as finally modified by the Senator from Colorado will now be read.

Mr. TELLER. Mr. President, I have inserted in lieu thereof the following:

That there shall be established in said Territory a district court to consist of a judge residing therein and called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for four years unless sooner removed by the President. Said court shall have, in addition to all other powers and privileges of district courts, the power of trying all crimes cognizable in a circuit court of the United States in said Territory. The judges of the said court shall be in the Territories of Hawaii for all purposes referred to in the laws of the United States, except that the judges of the courts of appeals from said district court shall be held and allowed to the circuit court of appeals without judicial action in the same manner as are hold of and allowed to circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to judges and juries in said courts shall apply thereto.

Mr. CULLOM. Before the vote is taken, I want to make a suggestion which I hope will be agreed to. We have all expressed a desire to avoid making this a political court in any sense. I myself know, and so does every other man who has been in Hawaii, that there are very few very best judges there we can secure, and the question of the character and ability of the judge will be determined somewhat by the tenure. I should therefore very much like that by consent the word "four" should be stricken out of the amendment where the term is fixed at four years.

Mr. TELLER. I will not object to that.

Mr. CULLOM. I think, with that proviso, we shall have a court which will be acceptable. It should not be made for political reasons at any time by any President.

Mr. PETTIGREW. I am very much opposed to that amendment. If we have good judges, they can be reappointed; and if we have bad ones, six years is too long a term. The matter is controlled, the President of the Senate will control the appointment at any time.

Mr. CULLOM. Mr. President, I am opposed to this amendment.

Mr. TELLER. The amendment is not definitely there.

Mr. CULLOM. It is not.

Mr. PETTIGREW. We have had men who never saw a law book in their lives who came out as chief justices of the Territory of Dakota; and we could not get them removed. We had a constitutional amendment from Maine sent out as a judge. [Laughter.]

Mr. BACON. I understand.

Mr. CULLOM. To the United States district judge.

Mr. BACON. I understand.

Mr. CULLOM. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Illinois [Mr. CULLOM] to the amendment of the Senator from Colorado [Mr. TELLER].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Colorado [Mr. TELLER] as it has been amended.

The amendment as amended was agreed to.

Mr. CLARK of Wyoming. Mr. President, we have had four hours' discussion on law and constitutional law. I now offer an amendment based on equity and good conscience, an amendment that ought to be adopted, an amendment that I sincerely hope will be adopted.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be read.

The Secretary. It is proposed to amend section 101 by adding thereto the following:

And the sum of $250,000 is hereby appropriated, out of any money in the Treasury of the United States, for the purchase of lands in the Hawaiian Islands, for all right, claim, or interest in the said crown lands herein mentioned, the same to be paid by the Secretary of the Treasury upon the execution of proper deeds of relinquishment by said Liliuokalani. And provided further, That said sum of $250,000, all of the revenue from the sale of said lands, and all other sums received by the United States, shall be repaid to the United States from the revenues of said lands in five equal annual payments.

Mr. CLARK of Wyoming. Mr. President, I do not care to discuss this matter. It seems to me that section 101 is one of the most strenuous and outrageous pieces of legislation that was ever sought to be perpetrated by the American Congress. I cannot believe that the men who formulated this bill contemplated what section 101 does. Unless there is a desire on the part of the Senate for information I will make no remarks whatever on the proposed amendment. If it shall fail I have one upon the desk of the clerks which I will urge instead.

Mr. BACON. Let me ask the Senator from Wyoming a question. What is the value of the Crown lands?

Mr. CLARK of Wyoming. The value of these lands is difficult to estimate. Some say the crown lands are worth $20,000, some say the crown lands are worth $20,000,000. But, at the time of the overthrow of the monarchy, I say to the Senator from Georgia, the annual rental therefrom was $90,000, or about that, and since that time, the ending of leases which were then in effect and the renewal of leases upon land which applied to somewhere between one hundred and one hundred and fifty thousand dollars per annum. These lands were confiscated absolutely.

Mr. TELLER. By whom?

Mr. CLARK of Wyoming. By the republic of Hawaii, at the overthrow of the monarchy, and were thrown into the general land system of the government.

Mr. TELLER. May I ask the Senator a question? Was it recognized that they were private property before that?

Mr. CLARK of Wyoming. It was recognized that the revenues from the Crown lands all went to the Crown for the expenses of the reigning sovereign.

Mr. TELLER. And he disposed of it as he saw fit?

Mr. CLARK of Wyoming. He disposed of that revenue as he saw fit. It is an amendment which in good conscience and equity ought to pass.

Mr. BATE. What has become of the $250,000 of rentals per annum?

Mr. CLARK of Wyoming. It has gone into the coffers of the present government of Hawaii and is there now; and this amendment would exclude the revenue that was once paid to the ex-Queen, who by virtue of her right as reigning sovereign before the revolution was entitled to all the revenues from the land, shall be paid $250,000 in lieu of all claims upon the Crown lands, whatever they may be, now or hereafter.

Mr. BATE. Does that do it?

Mr. CLARK of Wyoming. I cannot say to the Senator whether she consents or not. If she does not, it will be inequitable.

Mr. BATE. This bill takes the land from her and puts it in the hands of the Hawaiian government.

Mr. BATE. Section 101 absolutely cuts off by legislative action any claim she might have before the world or in any court.

Mr. BATE. There is no question that she had title to it before.

Mr. CLARK of Wyoming. There is no question on earth that she had title to it.

Mr. CULLOM. She had no title.

Mr. CLARK of Wyoming. I beg the Senator's pardon; she did have title.

Mr. BATE. I ask that the amendment may again be read.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment.

Mr. BATE. Then I understand from this amendment that the money comes out of the proceeds of that land. It is not to be paid out of the revenues of the crown lands.

Mr. CLARK of Wyoming. The Treasury of the United States is to be reimbursed from the revenues of the lands which are now under lease.

Mr. BATE. The Senator from Wyoming is a member of the Foreign Relations Committee. Believe?

Mr. CLARK of Wyoming. Yes.

Mr. BATE. I am unfamiliar with this matter, because I am not connected with the committee in any way, and I can only learn these facts as they are presented now in considering the bill. Do I understand the Senator to say that the Crown lands undoubtedly belonged to the Queen?